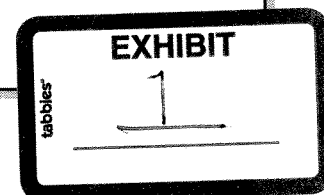


IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)
Plaintiff,)
vs.) 4:05-CV-00329-TCK-SAJ
TYSON FOODS, INC., et al,)
Defendants.)

THE VIDEOTAPED DEPOSITION OF
PRESTON KELLER, produced as a witness on behalf of
the Plaintiff in the above styled and numbered
cause, taken on the 15th day of October, 2008, in
the City of Fayetteville, County of Washington,
State of Arkansas, before me, Lisa A. Steinmeyer, a
Certified Shorthand Reporter, duly certified under
and by virtue of the laws of the State of Oklahoma.

TULSA FREELANCE REPORTERS
918-587-2878



1 A It was -- I'm pretty sure at that point is
2 when we purchased IBP. I was director of
3 environmental agriculture.

4 Q Tell me the title again. Director of
5 environmental what?

09:26AM

6 A Director of environmental agriculture.

7 Q And how long did you remain in that position?

8 A Until I resigned.

9 Q And date of resignation?

10 A January 31st of '05.

09:26AM

11 Q And what was the reason for your resignation?

12 A Just to pursue other opportunities. We bought
13 an RV business at that time.

14 Q When you say we, who are you talking about?

15 A Me and my wife.

09:26AM

16 Q Okay. So you went into the RV business for a
17 while?

18 A Yes.

19 Q And what did you do after that?

20 A We sold out of that, and that's what we're
21 doing currently today, the cattle and sawmill.

09:26AM

22 Q All right. Let's talk then about your duties
23 and responsibilities as director of environmental
24 ag. Let me think. You were in that position for
25 how long; since about '01?

09:27AM

1 A No, I don't.

2 Q Would you -- so would you agree with this
3 statement: That at some point in time poultry
4 growing was occurring but there were no nutrient
5 management plans in effect for those growers?

11:24AM

6 A I have no clue.

7 Q No clue, all right. In this same manual at
8 the same page where it's talking about -- under the
9 heading phosphorus it says, phosphorus-laden soils,
10 in the second paragraph, can be eroded by rainfall
11 and particles can then be transported into surface
12 water sources. Is that your understanding that's
13 how that occurs?

11:25AM

14 A That can occur, yes.

15 Q Okay, and can that occur even if it has not
16 been an over application of phosphorus to land?

11:25AM

17 MR. BOND: Object to the form.

18 A There is erosion with heavy rains.

19 Q Okay, and when you say that, does that mean
20 that if you land applied poultry waste which
21 contains phosphorus -- let me ask it this way: You
22 know poultry waste contains phosphorus, do you not?

11:26AM

23 A Yes.

24 Q All right, and when you land apply poultry
25 waste, if there is a heavy rain, there's a

11:26AM

1 propensity for runoff; correct?

2 MR. BOND: Object to the form.

3 A If you apply it too close to the rain, you
4 bet.

5 Q Even if you don't apply too close to the rain, 11:26AM
6 you mean in time; is that what you mean by too
7 close?

8 A Yeah, time scale, and that should be in the
9 nutrient management plan as far as time limits of
10 application. 11:26AM

11 Q Okay, and do you know what is the time period
12 which runoff will no longer occur?

13 A I don't. I mean, as far as a direct date, no,
14 or time schedule.

15 Q The last paragraph on this page says, 11:27AM
16 producers shall also implement an annual soil
17 sampling program for application of fields to
18 determine nutrient concentrations and to help
19 calculate application rates. Is that something that
20 Tyson advocated of their contract growers? 11:27AM

21 A I'm sorry. Reread it. I just realized I had
22 my hand in front of my face again.

23 Q All right. Look at the very last paragraph,
24 the first sentence to that. Producers shall also
25 implement annual soil sampling program for 11:27AM